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10/675,369	09/30/2003	Herbert M. Wildfeuer	062891.1167	5981
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER NGUYEN, PHUONGCHAU BA	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/24/2007	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/24/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/675,369

Applicant(s)

WILDFEUER ET AL.

Examiner

Phuongchau Ba Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 is/are allowed.
- 6) ☒ Claim(s) 1-3,6-9,12-15,18 and 19 is/are rejected.
- 7) ☒ Claim(s) 5,11,17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

*Claim Rejections – 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1–3, 7–9, 13–15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,327,276 to Robert et al.

Regarding claims 1, 7, 13 and 19,

Robert teaches a method and system for managing a multicast conference call, comprising the steps of, and elements, logic and means for:  
receiving a plurality of signals (e.g., receiving signals from the network, see col. 2, line 49) at a local endpoint (e.g., at a client, see col. 2, lines 46–65) participating in a multicast conference call (e.g., see col. 2, lines 46–65

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regarding multicast signal and see col. 3, line 65 – col. 4, line 29 regarding conference call) among the local endpoint and one or more remote endpoints (e.g., other clients), the plurality of signals comprising a local signal and one or more remote signals (e.g., see col. 2, lines 46–65 regarding signals transmitted to a plurality of clients and mixed in the multicast signal), the local signal associated with the local endpoint (e.g., see col. 6, lines 52–67 regarding the particular client), each remote signal associated with a remote endpoint (e.g., client on WAN, see col. 5, lines 33–42) of the one or more remote endpoints (e.g., clients on WAN, see col. 5, lines 33–42);

determining, at the local endpoint, a plurality of metric ratings (e.g., identifying client as active or not, see col. 6, lines 1–25), establishing one or more metric values (i.e., scaling the level of individual signals once data packets are aligned, col.6, lines 12–14) for a signal of the plurality of signals according to a metric (i.e., energy of signal, col.6, line 34) appended to the signal, and

determining a metric rating (i.e., scaling the level of individual signals, col.6, lines 12–14; determining the energy level of received signals, col.6, line 34) for the signal in accordance with one or more metric values, each metric

rating reflecting an importance of a signal of the plurality of signals (e.g., whether the signal is for the particular client which received the multiplexed signal, see col. 6, lines 1–67), the plurality of metric rating comprising a local metric rating (e.g., energy level present, see col. 6, line 34) and one or more remote metric ratings (e.g., according to which clients are talking and which are silent, see col. 6, lines 40–51), the local metric rating corresponding to the local signal (e.g., signal intended for the particular client), each remote metric rating corresponding to a remote signal of the one or more remote signals (e.g., according to which clients are talking and which are silent, see col. 6, lines 40–51);

comparing the local metric rating and the one or more remote metric ratings (e.g., via mixer 372, see col. 6, lines 49–51); and

selecting a subset (e.g., selecting the adjusted signals) of the plurality of signals according to the comparison in order to manage the multicast conference call (e.g., see col. 5, line 44 – col. 6, line 67).

Regarding claims 2, 8 and 14, Robert teaches steps, elements and logic for

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mixing the remote signals of the subset of the plurality of signals (e.g., via mixer, see col. 6, lines 26–51); and outputting the mixed remote signals of the subset of the plurality of signals (e.g., via creating the multicast signal, see col. 6, lines 26–51).

Regarding claims 3, 9 and 15, Robert teaches steps, elements and logic for determining if the subset of the plurality of signals comprises the local signal (e.g., see col. 3, line 65 – col. 4, line 29 and col. 6, lines 52–67 regarding the client receiving the multicast signal); and transmitting the local signal if the subset of the plurality of signals comprises the local signal (e.g., see col. 6, lines 52–67 regarding the particular client removing its own component from the multicast signal and transmitting the multicast signal).

*Claim Rejections – 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title; if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 12, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robert (6,327,276) as applied to claims 1, 7 & 13 above, and further in view of Laursen (US 2003/0002481 A1).

Regarding claims 6, 12 and 18,

Robert discloses all the claimed limitations, except wherein the subset of the plurality of signals according to the comparison comprises: (1a) identifying a predetermined number of highest ranked metric rating; and (1b) selecting the signals corresponding to the highest ranked metric ratings.

However, in the same field of endeavor, Laursen discloses determining whether the priority of second received audio stream greater than priority of first audio received stream, see step 916-fig.9B, corresponding to (1a); and if greater, then holding the transmission of the first audio stream and starting transmission of second audio stream, see 918 & 920 in fig.9B, corresponding to

(1b). Therefore, it would have been obvious to an artisan to apply Laursen's teaching to Robert's system with the motivation being to provide conference call processing with carrier grade quality and providing resource manager capability to barging into audio stream based on certain predefined events, i.e., emergency event, time event, on hold condition, signaling condition...etc.

*Allowable Subject Matter*

5. Claim 20 is allowed.

6. The following is an examiner's statement of reasons for allowance: The prior art does not teach or fairly suggest a method such as that described in independent claim 20 which comprises steps for establishing one or more metric values for a signal according to an appended metric to the signal; generating a metric vector for each signal and applying a function to each metric vector to generate a metric rating for each signal; and identifying a predetermined number of highest ranked metric ratings and selecting the signals according to the highest ranked metric ratings as recited in claim 20.



Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Claims 5, 11, 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach or fairly suggest a method, system and logic such as that described in independent claims 1, 7 and 13, respectively, which further comprises steps, elements and/or logic for establishing one or more metric values for a signal according to an appended metric to the signal; generating a metric vector for each signal and applying a function to each metric vector to generate a metric rating for each signal; or identifying a predetermined number of highest ranked metric ratings and

selecting the signals according to the highest ranked metric ratings as recited in 5, 11, 17.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,717,921 to Aggarwal et al. and U.S. Patent Application Publication No. 2002/0186827 by Griffiths each disclose methods for managing multicast conference calls.

*Response to Amendment*

7. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

*Response to Arguments*

8. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phuongchau Ba Nguyen

Examiner

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